

REMARKS

Claims 1, 3, 7, 8, 10, and 23-26 are all the claims pending in the application. Claims 1, 3, 7, 8, 10, 23, and 24 presently stand rejected. Claim 26 is allowed and claim 25 contains allowable subject matter.

Allowable Subject Matter

Applicants thank the Examiner for indicating the claim 26 is allowable. Applicants also thank the Examiner for indicating that claim 25 would be allowable if rewritten in independent form.

Applicants have rewritten claim 25 in independent form and submit that claim 25 is allowable.

Claim Rejections under 35 U.S.C. § 112

Claims 1, 3, 7, 8, 10, and 23-25 are rejected under 35 U.S.C. § 112, second paragraph, for minor informalities.

Applicants submit that the modifications to the claims obviate the rejection.

Claims Rejections under 35 U.S.C. § 103

Claims 1, 3, 7, 10, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,442,493 to Wakai et al. (hereinafter “Wakai”) in view of U.S. Patent No. 6,302,602 to Kiyohara et al. (hereinafter “Kiyohara”) and further in view of U.S. Patent No.

5,787,778 to Saito et al. (hereinafter “Saito”) and claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wakai in view of Kiyohara, and Saito. Applicants traverse these rejections for at least the following reasons.

Of these rejected claims, only claims 1 and 10 are independent. Claims 1 and 10, among a number of unique features, recite: “a fixed blade; . . . a receiving element that receives a sheet piece that is cut off from the sheet . . . wherein the movable blade comprises a disk which is rotatably supported, and the receiving element comprises a roller which is rotatably supported.”

The Examiner acknowledges that Wakai does not teach or suggest the above-quoted unique features of claims 1 and 10. The Examiner, however, alleges that Kiyohara discloses a fixed blade 94, a movable blade 42, and a receiving element 82 and that Saito discloses the movable blade having a rotatably supported disk 3 and the receiving element having a roller 13, which is rotatably supported (*see* pages 3 to 4 of the Office Action). The combined teachings of Wakai, Kiyohara, and Saito have been carefully studied, and it is respectfully submitted that the combined teachings lack the fixed blade, the movable blade, and the receiving element as set forth in claims 1 and 10.

With respect to Kiyohara, the Examiner alleges that the element 94 in Fig. 7 is equivalent to the fixed blade as set forth in claims 1 and 10. In Kiyohara, however, element 94 is a portion of a platen for holding the paper (col. 5, lines 44 to 48). That is, Kiyohara fails to teach or suggest a blade, as there is no teaching or suggestion in Kiyohara that the portion of the platen 94 has a cutting edge. In short, in Kiyohara, element 94 is a portion of a platen and not a blade.

Moreover, the Examiner alleges that element 80 of Kiyohara is equivalent to the receiving element as set forth in the independent claims 1 and 10. In Kiyohara, however, the element 80 is a cutter unit having a cutter blade 42 and a pressing member 82 (Fig. 7, col. 5, lines 40 to 48). However, the cutter unit 80 does not receive the piece of paper that is cut off. On the contrary, the pressing member 82 presses the paper on the upstream side of the cutter blade 42 in the delivery direction (col. 5, lines 40 to 43). That is, the pressing member 82 holds the paper at a position before the cutter blade 42 cuts the paper (Fig. 7). In short, element 80 of Kiyohara is a cutter unit 80 that does not receive the cut off paper.

Saito fails to cure the deficient teachings of Kiyohara. Although Saito discloses a disc cutter 3 and a fixed cutter 4 (Fig. 34), the fixed cutter 4 cannot be combined with Kiyohara because Kiyohara discloses that it is advantageous to cut the paper at an angle. If the fixed blade of Saito was to be incorporated into the teachings of Kiyohara, it would defeat the purpose of Kiyohara's disclosure of having a groove 92 for creating an angle for the cutting of the paper.

Moreover, Saito does not teach or suggest the receiving element that receives a sheet of paper that is cut off from the roll. In Saito, paper 2 is transported in a direction A and is cut by the disc cutter 3 and the fixed cutter 4. However, after it is cut, there is no receiving element. The Examiner alleges that Saito has a receiving element with a roller 13. In Saito, however, the rollers 13 are presser roller parallel to the cutter 3 that press the paper 2 to prevent it from getting out of position in the vertical direction Z (Fig. 36, col. 1, line 66 to col. 2, line 11). Accordingly, the pressing rollers 13 do not receive the sheet of paper that is cut off. On the contrary, the pressing rollers 13 travel with the cutter 3 to hold the paper in place during cutting.

Therefore, claims 1 and 10, among a number of unique features, recite: “a fixed blade; ... a receiving element that receives a sheet piece that is cut off from the sheet...wherein the movable blade comprises a disk which is rotatably supported, and the receiving element comprises a roller which is rotatably supported.” For at least these exemplary reasons, claims 1 and 10 are patentable over the combined teachings of Wakai, Kiyohara, and Saito. It is appropriate and necessary for the Examiner to withdraw this rejection of claims 1 and 10. Claims 3, 7, 8, 23, and 24 are patentable at least by virtue of their dependency on claim 1.

Conclusion

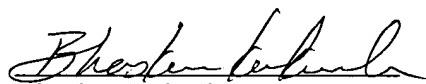
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No. 09/909,988

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Respectfully submitted,



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